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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,787	04/12/2001	Andrew O. McKee	200985US-56	1448
51738	7590	05/17/2005	EXAMINER	
BAKER & MCKENZIE LLP 711 LOUISIANA SUITE 3400 HOUSTON, TX 77002-2716			POND, ROBERT M	
		ART UNIT	PAPER NUMBER	
			3625	

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/832,787	MCKEE ET AL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Robert M. Pond	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 28 February 2005.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-52 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-52 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \*    c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Response to After Final Amendment***

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. All pending claims (1-52) were examined in this non-final office action.

### ***Response to Arguments***

#### **Rejection under 35 USC 103**

Applicant's arguments, see Remarks, filed 28 February 2005, with respect to the rejection of claim(s) 1-52 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of BroadVision and Consortium.

#### **Official Notice (regarding well within the skill)- Claims 13, 14, 24, 25, and 43**

The Applicant did not traverse the examiner's assertion of well within the skill. The common knowledge or well-known in the art statement is taken to be admitted prior art because applicant failed to traverse or adequately traverse the examiner's assertion of official notice (MPEP 2144.03(C)).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1, 2, 5-7, 12, 15, 16, 18-20, 26-27, 35-37, 39, 40, and 44 are rejected under 35 USC 103(a) as being unpatentable over BroadVision (a collection of articles cited in Paper #3, PTO-892, Items: U-V), In view of Consortium (a collection of articles cited in PTO-892, Items: U and V).**

BroadVision teaches BroadVision being issued US 5,710,887 (hereinafter referred to as Chelliah; a courtesy copy was provided for the Applicant's convenience in Paper #3). BroadVision teaches patent protection covering its "One-to-One" Application System (U: see at least pages 1-2). BroadVision teaches integrating its One-to-One Application into an extranet supporting online commerce, customer service, and knowledge management initiatives, and servicing the extended enterprise comprising sales personnel, project personnel, suppliers, and customers. BroadVision further teaches BroadVision's One-to-One applications servicing travel industries (V: see at least pages 1-2). BroadVision further teaches:

- **A digital repository: central repository; product database (Chelliah: see at least Fig. 2 (116); col. 6, line 3; col. 12, lines 10-11).**

- A processor coupled to repository: (see at least col. 31, lines 9-15).
- Computer readable medium: computer readable medium containing executable code by a processor is inherent in the system of BroadVision that requires processors, computers, and servers (see at least col. 1, line 29).
- Member management mechanism: store management controls the commerce subsystems (see at least Fig. 1 (20); col. 6, lines 49-52).
- Consumer interface: (see at least Fig. 1 (13); Fig. 2 (140); col. 6, lines 26-31).
- Lead generating mechanism: promotions subsystem; collect customer-based and store-based sales data (see at least col. 7, line 14, 49-51).
- Internet, transmission protocol, WWW: (see at least col. 12, lines 1-9).

Broadvision teaches all the above as noted under the 103(a) rejection and teaches integrating one or more merchant web storefronts into an online electronic mall managed by the mall server, but does not disclose the mall merchants as a consortium. Consortium teaches BroadVision, a company that provides e-business services, backing the Worldmetal.com portal in a consortium with Sun MicroSystems (U: see at least pages 1 and 2). Consortium teaches BroadVision participating in a consortium using an Internet web site ([www.personalization.org](http://www.personalization.org)) to promote the responsible and beneficial use of technology for personalizing consumer and business relationship among

consortium members and the public, and further teaches the site electronically linking users to information created by the consortium (V: see at least pages 1 and 2). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of Chelliah to disclose a consortium using an Internet web site as taught by Consortium, in order to convey additional uses of online web sites, and thereby attract companies to consortium services.

- 2. Claims 3, 4, 17, and 38 are rejected under 35 USC 103(a) as being unpatentable over BroadVision (a collection of articles cited in Paper #3, PTO-892, Items: U-V), and Consortium (a collection of articles cited in PTO-892, Items: U and V), as applied to Claims 1, 15, and 36, further in view of PR Newswire (Paper #3, PTO-892, Item: W, hereinafter referred to as "PRN").**

BroadVision and Consortium teach all the above as noted under the 103(a) rejection and teach a) servicing travel industries and consortiums using online services, b) conducting targeted marketing based on customer demographics and purchase history profile, and c) integrating into an extranet environment to extend services to company employees, suppliers, and customers, but do not specifically disclose travel-related services. PRN teaches Carlson Leisure Group, a world leader in leisure travel and travel agency franchising, delivering critical business information to more than 10,000 travel agents worldwide. PRN teaches integrating BackWeb's platform into Carlson's extranet to automatically deliver

critical business information to the desktop: pricing, airline inventory that agents can immediately sell to consumers, travel news, and promotional information (W: see at least pages 1-2). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify BroadVision and Consortium to disclose travel-related products and services as taught by PRN, in order to convey the types of travel industry products and services available to the consumer, and thereby attract consumers to the online service.

3. **Claims 8-11, 21-23, 28-31, 34, 41, 42, 45-48, and 51 are rejected under 35 USC 103(a) as being unpatentable over BroadVision (a collection of articles cited in Paper #3, PTO-892, Items: U-V) and Consortium (a collection of articles cited in PTO-892, Items: U and V), as applied to Claims 1, 15, and 36, further in view of Conklin et al. (Paper #3, patent number 6,141,653, hereinafter referred to as "Conklin").**

BroadVision and Consortium teach all the above as noted under the 103(a) rejection and teach a) servicing travel industries, and b) integrating into an extranet environment to extend services to company employees, suppliers, and customers, but do not specifically disclose providing a member web site building mechanism to provide the member with tools to build a member web site. Conklin teaches a) online communities sharing information, b) extranets and providing a web site authoring tool for members to create their own web sites, c) at least one of Java, scripting, C++, and libraries (please note: Conklin teaches Java,

scripting, C++, and libraries), d) email notifications to members indicating an inquiry or order needs attention, and e) member product information (see at least Fig. 10-1; Fig. 31a-d; col. 2, lines 51-54; col. 14, line 66 through col. 15, line 6; col. 19, lines 14-31; col. 20, lines 31-33; col. 27, lines 33 through col. 28, line 36; col. 33, lines 40-41; col. 25, lines 60-65). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify BroadVision and Consortium to disclose web site authoring, Java, email notifications, and member product information as taught by Conklin, in order to help members increase online business through the extranet site.

4. **Claims 13, 14, 24, 25, and 43 are rejected under 35 USC 103(a) as being unpatentable over BroadVision (a collection of articles cited in Paper #3, PTO-892, Items: U-V) and Consortium (a collection of articles cited in PTO-892, Items: U and V), as applied to Claims 1, 15, and 36, further in view of Conklin (Paper #3, patent number 6,141,653), further in view of Official Notice (Paper #3, admitted as prior art regarding well within the skill hereinafter referred to as "ON1")**

BroadVision and Consortium teach all the above as noted under the 103(a) rejection and teach a) servicing travel industries, and b) integrating into an extranet environment to extend services to company employees, suppliers, and customers, but do not specifically disclose providing a member web site building mechanism to provide the member with tools to build a member web site. Conklin

teaches a) online communities sharing information, b) extranets and providing a web site authoring for members to create their own web sites, c) at least one of Java, scripting, C++, and libraries (please note: Conklin teaches Java, scripting, C++, and libraries), d) email notifications to members indicating an inquiry or order needs attention, and e) member product information (see at least Fig. 10-1; Fig. 31a-d; col. 2, lines 51-54; col. 14, line 66 through col. 15, line 6; col. 19, lines 14-31; col. 20, lines 31-33; col. 27, lines 33 through col. 28, line 36; col. 33, lines 40-41; col. 25, lines 60-65). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify BroadVision and Webster to disclose web site authoring, Java, email notifications, and member product information as taught by Conklin, in order to help members increase online business through the extranet site.

BroadVision and Consortium teach all the above as noted under the 103(a) rejection but does not disclose finding a member by name. Conklin teaches all the above as noted under the 103(a) rejection and teaches a) using a search engine to find a seller's information, b) registering the seller's company name, products, and other data with the community's internal search engine, and c) submitting seller's name and URL being to search engines (see at least col. 14, lines 3-4, 12; col. 29, lines 2-25). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify BroadVision and Consortium to implement member search by name as taught by Conklin, in order

to provide added convenience for the customer, and thereby attract customers to the service.

BroadVision, Consortium, and Conklin teach all the above as noted under the 103(a) rejection and teach creating buyer inquiries and leads through targeted promotions and advertisements using electronic commerce systems, and further teach sending email alerts and notifications for members to follow-up on inquiries. BroadVision, Consortium and Conklin, however, do not disclose sending a reminder to a member receiving the inquiry if the member has not followed up on a lead within a predetermined amount of time. It would have been obvious to one of ordinary skill in the art at time of the invention to send a reminder after a predetermined amount of time, since it is well within the skill to ascertain that a sales lead represents money invested to create the lead and potential revenue opportunity, and therefore a reminder would be a prudent practice in order to prevent wasting a lead.

5. **Claims 32, 33, 49, 50, and 52 are rejected under 35 USC 103(a) as being unpatentable over BroadVision (a collection of articles cited in Paper #3, PTO-892, Items: U-V), Consortium (a collection of articles cited in PTO-892, Items: U and V), and PRN (Paper #3, PTO-892, Item: W), as applied to Claims 15 and 36, further in view of Borcover (Paper #3, PTO-892, Item: X).**

BroadVision, Consortium, and PRN teach all the above as noted under the 103(a) rejection and teach Carlson Leisure Group's enterprise-wide extranet

connecting more than 10,000 travel agents, managing more than 1,000 travel agency locations and further teach a variety of Carlson subsidiaries with specializations (e.g. Carlson Vacations (Russia), UK Inspirations tour operations, North American agents, etc.). BroadVision, Consortium, and PRN, however, do not disclose providing consumers with specialization and certification information. Borcover teaches the importance for consumers to seek travel agents with credentials and certifications (X: see pages 1-2). Therefore it would have been obvious to one of ordinary skill at time of the invention to modify the method of BroadVision, Consortium, and PRN to supply consumers with agent credential and certification information as taught by Borcover, in order to bolster consumer confidence in the service being offered, and thereby attract consumers to the service.

BroadVision, Consortium, and PRN teach all the above as noted under the 103(a) rejection but do not disclose providing training to receive a certification. Borcover teaches Carlson Wagonlit, AAA, American Express, Uniglobe, and other groups having access to training, education, and supplier arrangements, and further teaches agents receiving certification from the Institute of Certified Travel Agents, or agents receiving certifications as cruise specialists or destination specialists. Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of BroadVision, Consortium, and PRN to enable members to receive training for certification

purposes as taught by Borcover, in order to help members receive certification,  
and thereby attract consumer desiring to deal with certified agents.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 703-605-4253. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 703-308-1344.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robert M. Pond  
Primary Patent Examiner  
March 23, 2005